

**United States District Court**  
***District of North Dakota***  
**Northeastern Division**

The University of Manitoba, a Manitoban  
Body Corporate,

Plaintiff,

vs.

Draeger Medical, Inc., a Pennsylvania  
Corporation,

Defendant.

JUDGMENT IN A CIVIL CASE

Case No. 2:13-cv-48

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- ☐ **Jury Verdict.** This action came before the Court for a trial by jury. The issues have been tried and the jury has rendered its verdict.
- ☐ **Decision by Court.** This action came to trial or hearing before the Court. The issues have been tried or heard and a decision has been rendered.
- ☒ **Decision on Motion.** This action came before the Court on motion. The issues have been considered and a decision rendered.
- ☐ **Stipulation.** This action came before the court on motion of the parties. The issues have been resolved.
- ☐ **Dismissal.** This action was voluntarily dismissed by Plaintiff pursuant to Fed. R. Civ. P. 41(a)(1)(ii).

**IT IS ORDERED AND ADJUDGED:**

Pursuant to the Order entered on July 22, 2014:

- (1) The U of M's claim for infringement is untenable in light of the Court's Final Claim Construction Order;
- (2) Judgment of Non-Infringement is entered against the U of M and in favor of Draeger;
- (3) Draeger's defenses and counterclaims regarding the '350 Patent's invalidity are dismissed without prejudice;

Date: July 22, 2014

ROBERT J. ANSLEY, CLERK OF COURT

by: /s/ Ashley Sanders, Deputy Clerk